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SUNPOWER CORPORATION

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

16 SUNPOWER CORPORATION,

17 Plaintiff,

18 v.

19 SUN POWER & GEOTHERMAL ENERGY
COMPANY, INC.,

20 Defendant.

CASE NO. C05 03233 VRW

**~~[PROPOSED]~~ STIPULATION TO
VACATE THE DECEMBER 13, 2005,
CASE MANAGEMENT CONFERENCE
AND OTHER SCHEDULE DATES IN
ANTICIPATION OF SETTLEMENT**

Initial CMC continued to Jan. 24, 2006 9am

21
22 The parties stipulate as follows:

23 1. The parties have reached a settlement-in-principle and hope to finalize their
24 agreement before the end of December.

25 2. Under the current case schedule entered on August 9, 2005, the Case Management
26 Conference in this matter is presently scheduled for December 13, 2005, and the parties are

27
28 [PROPOSED] STIPULATION TO VACATE THE
DECEMBER 13, 2005, CASE MANAGEMENT
CONFERENCE AND OTHER SCHEDULE DATES IN
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1 required to complete their initial disclosures and file and serve their Case Management Statement
2 and their Rule 26(f) Report on December 6, 2005.

3 3. To conserve judicial resources and to enable the parties to finalize a settlement
4 rather than incurring additional litigation costs, the parties stipulate and respectfully request that
5 the Court vacate the current case schedule and, at its convenience, reset for at least thirty days
6 later, the dates for the Case Management Conference, the completion of initial disclosures, and the
7 filing and serving of the Case Management Statement and their Rule 26(f) Report.

8
9 DATED: December 2, 2005.

PERKINS COIE LLP

10 By _____/s/
11 Terry Fenzl
12 Timothy Franks

13 Attorneys for Plaintiff
14 **SUNPOWER CORPORATION**

15 DATED: December 2, 2005.

PRINDLE, DECKER & AMARO LLP

16 By _____/s/
17 William M. Hake

18 Attorneys for Defendant
19 **SUN POWER & GEOTHERMAL ENERGY COMPANY,**
20 **INC.**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED

22 DATED:

23 Dated: December 5, 2005

24 The Honorable V. _____
25 United States District Court
26 Northern District of California, San Jose Division



ATTESTATION PURSUANT TO GENERAL ORDER 45

I hereby attest that I have on file all holograph signatures for any signatures indicated by a
“conformed” signature (/S/) within this efiled document

Executed this 2nd day of December, 2005 at San Francisco, California.

/s/
Stefani E. Shanberg

I, Erika R. Eberline, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-1909. I am personally familiar with the business practice of Perkins Coie LLP. On December 2, 2005, I served the following document(s):

**[PROPOSED] STIPULATION TO VACATE THE DECEMBER 13, 2005, CASE
MANAGEMENT CONFERENCE AND OTHER SCHEDULE DATES IN ANTICIPATION
OF SETTLEMENT**

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

William M. Hake, Esq.
Prindle, Decker & Amaro LLP
369 Pine Street, Suite 800
San Francisco, CA 94104
Facsimile: (415) 788-3625

X (By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Perkins Coie LLP.

(By Hand) I caused each envelope to be delivered by hand to the offices listed above.

____ (By Overnight Mail) I caused each envelope to be delivered overnight by UPS to the address indicated above.

 X (By Facsimile/Telecopy) I caused each document to be sent by Automatic Facsimile/Telecopier to the number(s) indicated above.

____ (Electronic Transmission) I caused each document to be sent by electronic mail to the email address indicated above.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and that this declaration was executed at San Francisco, California.

DATED: December 2, 2005

/s/
Erika R. Eberline